

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:07-CR-260-FL

NO. 5:09-CV-85-FL

TORRENCE LASHAWN HOWARD,)
)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

CONSENT MOTION

MOTION GRANTED

this 22nd day of March
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JOSE W. FLANAGAN
UNITED STATES DISTRICT JUDGE

NOW COMES the Respondent, by and through the United States Attorney for the Eastern District of North Carolina, with the consent of Petitioner, by and through his court-appointed attorney, and jointly move for an Order granting relief to Petitioner on the basis of his 28 U.S.C. § 2255 motion in lieu of a contested evidentiary hearing.

Without conceding any ineffectiveness on the part of Petitioner's trial counsel, but in an abundance of caution, in light of the clear assertions by Petitioner, the United States consents to granting relief to Petitioner on his 28 U.S.C. § 2255 motion, subject to and without the Government waiving any of the terms and provisions of the plea agreement entered in this case by Petitioner. The relief requested is for the Court to vacate its prior judgment and to direct the Clerk to reenter judgment, thus restarting the clock for noting an appeal under Fed. R. App. P. 4(b).